

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE EIGHTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION No: 11987 of 2005

Between:

M/s.Sai Ganapathi SC & BC Labour Contract Co.op. Society Limited, rep., by
its President Gade Venugopal,
s/o Bhumaiah, r/o Vidyanagar, Jagithyal, Karimnagar District.

.... PETITIONER

AND

- 1 The Executive Engineer, Roads & Buildings (R&B) Division, Jagithyal, Karimnagar District.
- 2 The Engineer-in-Chief, Roads & Buildings (R&B) Division, Erramanzil, Hyderabad.
- 3 The Commissioner, Land Revenue, Nampally, Hyderabad.
- 4 The Revenue Divisional Officer, Jagtiyal, Karimnagar District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of "writ of mandamus" or any other writ or order or direction, call for and examine the records of the agreement No.92/1999-2000, dated 15-11-1999 and measurement books on the files of the 1st respondent and issue direction, directing the respondents to pay the bills to a tune of Rs.3,00,000/- with interest and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the interest of justice.

Counsel for the Petitioner: MR.Ch.SATISH KUMAR

Counsel for the Respondents: GP FOR ROADS & BUILDINGS

The Court at the stage of admission, made the following:

ORDER:

This writ petition is filed seeking a writ of *Mandamus* directing the respondents to pay a sum of Rs.3,00,000/- with interest representing the cost of construction of a record room, which was entrusted to the petitioner, and which was completed by the petitioner as early as on 31.5.2000.

2. It is stated that the respondents called for tenders for the construction of the record room and the petitioner was the successful tenderer for a sum of Rs.3,00,000/-. Therefore, the work was entrusted to the petitioner and the petitioner completed the same. Though the concerned officers of the respondents have even prepared the bills for the entire work and reported completion of the work, but, however, the amounts were not paid on the ground of non-release of L.O.C (Letter of Consent) for the contracted amount. The petitioner in fact filed a copy of the communication of the first respondent to the Chief Engineer, R&B by proceedings dated 12.1.2005, intimating the fact that the work was completed by the petitioner and the non payment is only for non release of the L.O.C. In spite of it, there was no further

action. Therefore, the petitioner has come up with the present writ petition.

3. At the time of hearing, the learned counsel for the petitioner sought for a direction to the respondents to pay the amount within a reasonable period.

4. The learned Government Pleader, however, sought to contend that the writ petition is not maintainable, for recovery of the money due under a contract. The learned Government Pleader also sought to contend that as the petitioner made a representation to the respondents, the same may be directed to be disposed of within a reasonable time.

5. Heard both sides and considered the material on record.

6. Almost identical issue was considered by a Division Bench of this Court in **G.Rajender Reddy & Company vs. Govt. of A.P, R&B Department**, wherein the Division Bench of this Court while setting aside the order of the learned single Judge, dismissing the writ petition as not maintainable, held that the writ petition is maintainable when administrative inaction of the authorities is questioned. Even in the said Writ Appeal also, certain amounts were due by the R&B department to the petitioners therein. The writ appeal was disposed of directing the authorities to take appropriate action for effecting payment within a stipulated time.

7 .In view of the above decision of this Court and further in view of the communication of the first respondent dated 12.1.2005 to the Chief Engineer, R&B Department, showing that the petitioner has completed the work by 31.5.2000 itself, and the amount was not paid to the petitioner for non release of LOC, the respondents are directed to comply with the formalities, if any, to be complied with, and pay the amount due to the petitioner, within a period of four weeks from the date of receipt of a copy of this order.

8. The writ petition is accordingly disposed of. No costs.

S.ANANDA REDDY, J

Dated: 08.6.2005.

Note: Issue C.C in two days

(B/o)

RAR

To

1 The Executive Engineer, Roads & Buildings (R&B) Division, Jagithyal, Karimnagar District.

2 The Engineer-in-Chief, Roads & Buildings (R&B) Division, Erramanzil, Hyderabad.

3 The Commissioner, Land Revenue, Nampally, Hyderabad.

4 The Revenue Divisional Officer, Jagtiyal, Karimnagar District.

5 2 CCs to the G.P. for Roads & Buildings, High Court Buildings, Hyderabad (OUT)

6 2 CD copies